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March 14, 2023

VIA CM/ECF

Molly Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119

RE: *Trump v. Twitter*, No. 22-15961 (9th Cir.)

Dear Ms. Dwyer:

We are writing to inform the Court that the United States does not, at the present time, anticipate that it will need to file a brief in this appeal. If further developments cause the government to determine that a filing would be warranted, we will promptly notify the parties and the Court.

While this litigation between private parties was in the district court, plaintiffs challenged the constitutionality of Section 230(c) of the Communications Decency Act of 1996, Pub. L. No. 104-104, § 509, 110 Stat. 56 (codified as 47 U.S.C. § 230(c)). The United States intervened for the limited purpose of defending the constitutionality of the statute. *See* 28 U.S.C. § 2403(a) (contemplating intervention by the United States when constitutionality of an Act of Congress is called into question).

The district court dismissed plaintiffs' challenge to Section 230(c) without reaching the constitutional issue, holding that plaintiffs failed to establish standing to press their claim. *See* EOR 16-17. Plaintiffs' opening briefs in this Court do not challenge the lower court's jurisdictional holding related to Section 230(c) or urge the Court to address the constitutionality of that provision. Accordingly, absent a change in circumstances, the United States does not plan to file a brief in this case.

Sincerely,

s/ David L. Peters
David L. Peters
Attorney for the United States

cc (via CM/ECF): Counsel of Record